

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

IN RE: CHP Calexico Port of Entry
1700 E. Carr Road
Calexico, CA 92231

TO: Jerry Marcotte, P.E.
Water and Wastewater Branch Chief
California Department of Transportation
1801 30th Street, MS 9-3/11H
Sacramento, CA 95815

**CITATION FOR VIOLATION OF
CALIFORNIA HEALTH AND SAFETY CODE, Sections 116555(a)
CALIFORNIA CODE OF REGULATIONS, Title 22 Section 64533
and CITATION NO. 05-14-11C-016**

CITATION No. 05-14-13C-005

Issued on April 8th, 2013

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with the requirements of CHSC, Division 104, Part 12, Chapter 4, (California Safe Drinking Water Act), or any regulation, standard, permit, or order issued thereunder.

The California Department of Public Health, Division of Drinking Water and Environmental Management (hereinafter 'CDPH') hereby issues a citation to the CHP Calexico Port of Entry (hereinafter 'Water System'), located at 1700 E. Carr Road, Calexico, CA 92231, for failure to comply with California Health and Safety Code Sections 116555(a); California Code of Regulations, Title 22, Sections 64533; and Citation No. 05-14-11C-016, Directives Nos. 1 and 2.



APPLICABLE AUTHORITIES

Section 116555(a) of the Health and Safety Code provides:

116555. Operational Requirements.

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(2) Will not be subject to backflow under normal operating conditions.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

Section 116650 of the Health and Safety Code provides:

116650. Citations.

(a) If CDPH determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, CDPH may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.



1 (b) Each citation shall be in writing and shall describe the nature of the violation or
2 violations, including a reference to the statutory provision, standard, order, citation, permit,
3 or regulation alleged to have been violated.

4 (c) A citation may specify a date for elimination or correction of the condition constituting
5 the violation.

6 (d) A citation may include the assessment of a penalty as specified in subdivision (e).

7 (e) CDPH may assess a penalty in an amount not to exceed one thousand dollars
8 (\$1,000) per day for each day that a violation occurred, and for each day that a violation
9 continues to occur. A separate penalty may be assessed for each violation.

10
11 **Title 22, California Code of Regulations (CCR), Section 64533 provides:**

12
13 The primary running annual average (RAA) MCL of 0.080 mg/L (80 ug/L) for total
14 trihalomethane (hereinafter 'TTHM') disinfection byproducts shall not be exceeded in
15 drinking water supplied to the public.

16
17 **Citation No. 05-14-11C-016, Directives Nos. 1 and 2 provides:**

- 18
19 1. Forthwith, cease-and-desist from failing to comply with the TTHM primary drinking
20 water standard MCL.
21
22 2. Within 60 days of the issuance of this citation, the Water System shall submit a plan to
23 address the reduction of TTHM levels in the distribution system. The plan shall
24 consider the implementation of chemical and/or treatment modifications to the existing
25 water treatment plant, including the evaluation of the raw water storage, bag filtration
26 operation, and application of the sodium hypochlorite disinfectant.
27
28

STATEMENT OF FACTS

The Water System operates under a domestic water supply permit issued by CDPH in January of 1998 to Caltrans as legal owner of the Water System. The Water System is a nontransient-noncommunity water system serving a population of approximately twenty-five (25) persons.

Title 22, CCR, Section 64533 specifies that the primary drinking water standard RAA MCL of 80 ug/L for TTHM byproducts shall not be exceeded in drinking water supplied to the public. The Water System failed to meet the TTHM primary drinking water standard RAA MCL of 80 ug/L for the first, second, and third quarters of 2011, and the third and fourth quarters of 2012.

A chronology of the TTHM monitoring for the Water System is shown below.

TTHM Increased Monitoring Quarter	Months Included in Quarter	TTHM Result, ug/L	Running Annual Average (RAA), ug/L
3 rd Quarter 2009	July – September 2009	100	NA
4 th Quarter 2009	October – December 2009	54	NA
1 st Quarter 2010	January – March 2010	48	NA
2 nd Quarter 2010	April – June 2010	75	69
3 rd Quarter 2010	July – September 2010	92	67
4 th Quarter 2010	October – December 2010	100	79
1 st Quarter 2011	January – March 2011	74	85
2 nd Quarter 2011	April – June 2011	87	88
3 rd Quarter 2011	July – September 2011	100	90
4 th Quarter 2011	October – December 2011	22	71
1 st Quarter 2012	January – March 2012	68	69
2 nd Quarter 2012	April – June 2012	110	75
3 rd Quarter 2012	July – September 2012	130	83
4 th Quarter 2012	October – December 2012	68	94



1 In October 2009 the Water System was placed on increased quarterly monitoring for a
2 minimum of four quarters and until the RAA of the most recent four quarters of TTHM
3 results is ≤ 0.060 mg/L (60 ug/L).

4
5 CDPH issued Citation No. 05-14-11C-016 on July 25th, 2011, for failure to meet the TTHM
6 primary drinking water standard RAA MCL of 80 ug/L for the first and second quarters of
7 2011, and requested submittal of a TTHM reduction plan within 60 days or by September
8 25th, 2011.

9
10 On August 29th, 2011, the Water System requested a two month extension of the due date
11 for the TTHM reduction plan. On September 30th, 2011, CDPH granted a 60 day extension
12 and issued a revised due date of November 25th, 2011.

13
14 On December 7th, 2011, CDPH issued the 2011 Sanitary Survey letter (with Notice of
15 Violations 1-4) and, after no TTHM reduction plan had been received from the Water
16 System by the November 25th, 2011 due date, issued a revised due date of February 7th,
17 2012.

18
19 On February 8th, 2012, the Water System requested a two week extension of the due date
20 for the TTHM reduction plan. CDPH granted the extension and issued a revised due date
21 of February 28th, 2012.

22
23 On February 25th, 2012, the Water System requested an extension of the due date for the
24 TTHM reduction plan. On February 28th, 2012, CDPH granted a 60 day extension to the
25 Water System for submitting the TTHM reduction plan and issued a revised due date of
26 April 27th, 2012.



1 On March 1st, 2012, Caltrans submitted information to CDPH stating that the status of the
2 TTHM reduction plan was unknown.

3
4 On May 2nd, 2012, Caltrans submitted Response To Notice Of Violation Dated December
5 7th 2011, and stated that the TTHM reduction plan would be incorporated into a revised
6 operations and maintenance plan and submitted when complete.

7
8 On June 11th, 2012, CDPH replied to Caltrans by e-mail and requested that submittal of
9 the TTHM reduction plan be expedited.

10
11 On June 20th, 2012, Caltrans replied to CDPH by e-mail and stated that Caltrans had
12 directed CHP to prepare the TTHM reduction plan and that the plan was not yet
13 completed. However, Caltrans also stated that the December 7th, 2011, action item by
14 CDPH to obtain an alternative source of water with Gateway of The America's County
15 Service Area was being actively pursued.

16
17 On July 18th, 2012, Caltrans provided CDPH with contact information for the Caltrans San
18 Diego Deputy District Director of the Division of Maintenance for the purpose of obtaining
19 information regarding a service connection with Gateway of The America's County Service
20 Area.

21
22 On September 12th, 2012, CDPH received a copy of a letter prepared by Caltrans on
23 August 27th, 2012, and addressed to County of Imperial requesting to expedite an
24 agreement for a service connection to Gateway of The America's County Service Area.

25
26 On October 19th, 2012, CDPH received from Caltrans a copy of the Local Agency
27 Formation Commission (LAFCO) resolution for determination of the extension from the
28 Gateway of The America's County Service Area to the Water System.

1 On December 4th, 2012, CDPH received from Caltrans an e-mail indicating that County of
2 Imperial was in the process of determining if Caltrans was exempt from county fees
3 related to the service connection with Gateway of The America's County Service Area.

4
5 On February 4th, 2013, CDPH received a copy of a letter prepared by Caltrans on
6 February 1st, 2013, and addressed to County of Imperial providing comprehensive
7 historical and current information regarding progress on the service connection to
8 Gateway of The America's County Service Area.

9
10 **DETERMINATIONS**
11

12 CDPH has determined that the Water System is in violation of Section 116555(a) of the
13 CHSC in that the Water System has failed to meet a primary drinking water standard.

14
15 CDPH has determined that the Water System is in violation of Title 22, CCR, Section
16 64533 in that the Water System has failed to meet the primary drinking water standard
17 RAA MCL of 80 ug/L for the TTHM disinfection byproducts in drinking water supplied to
18 the public for the fourth quarter of 2012 as well as the RAA MCL for the previous quarters
19 listed in the table above under Statement Of Facts.

20
21 CDPH has determined that the Water System is in violation of Citation No. 05-14-11C-
22 016, Directives Nos. 1 and 2, and all extensions to Directive 2 in that the Water System
23 failed to comply with those Directives and extensions.

24
25 CDPH has determined that the Water System, in not complying with Directive 2 in Citation
26 No. 05-14-11C-016 to submit a TTHM reduction plan, has selected the December 7th,
27 2011 CDPH recommendation to provide an alternative source of potable water to mitigate
28 the increased TTHM levels in the water system by completing the service connection with

1 Gateway of The America's County Service Area; however, the Water System has failed to
2 complete the connection as of the date of this citation.

3
4 **DIRECTIVES**

- 5
- 6 1. Caltrans shall cease-and-desist from failing to comply with the TTHM primary drinking
7 water standard RAA MCL of 80 ug/L in drinking water supplied to the public.
 - 8 2. Caltrans shall post a Tier 2 public notice per Section 64463.4 (b) within 30 days of
9 learning of a quarterly violation of the TTHM RAA MCL of 80 ug/L. Each posted public
10 notice shall include the most recent TTHM results found to be in violation of the MCL.
 - 11 3. Caltrans shall maintain posted public notices per Section 64463.4 (c)(1)(B) for as long
12 as the violation persists but in no case less than 7 days.
 - 13 4. Caltrans shall report the TTHM RAA MCL violations in its 2012 Consumer Confidence
14 Report per Section 64481 (d)(3).
 - 15 5. Caltrans shall complete construction of a service connection to Gateway of The
16 America's and begin taking potable water service, or submit plans and specifications
17 for a TTHM removal treatment system, or obtain approval from CDPH for an alternative
18 plan to comply with the TTHM standard by September 30, 2013.
 - 19 6. Caltrans shall continue to provide CDPH with monthly progress updates to Directive #5
20 above by the 10th day of every month.
- 21

22 CDPH reserves the right to make such modifications to this citation as it may deem
23 necessary to protect public health and safety, such as providing a directive for Caltrans to
24 consider the interim installation of additional treatment if the service connection is not
25 completed in a reasonable period of time. Such modifications may be issued as
26 amendments to this citation and shall be effective upon issuance.

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1 Nothing in this citation relieves the Water System of its obligation to meet the
2 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
3 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
4 thereunder.

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6 **PARTIES BOUND**
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8 This citation shall apply to and be binding upon the Water System, its officers, directors,
9 agents, employees, contractors, successors, and assignees.
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11 **SEVERABILITY**
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13 The directives of this citation are severable, and the Water System shall comply with each
14 and every provision thereof notwithstanding the effectiveness of any provision.
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16 **FURTHER ENFORCEMENT ACTION**
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18 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California
19 Health and Safety Code authorizes CDPH to: issue additional citations with assessment of
20 penalties if the Water System continues to fail to correct a violation identified in a citation;
21 take action to suspend or revoke a permit that has been issued to a public water system if
22 the system has violated applicable law or regulations or has failed to comply with orders of
23 CDPH; and petition the superior court to take various enforcement measures against a
24 public water system that has failed to comply with orders of CDPH. CDPH does not waive
25 any further enforcement action by issuance of this citation.
26

27 Sections 116650 (d) and (e) of the Health and Safety Code provides for the assessment of
28 a penalty for failure to comply with the requirements of the California Safe Drinking Water

1 Act. Failure to comply with any provision of this citation may result in CDPH imposing a
2 penalty not to exceed one thousand dollars (\$1,000) per day as of the date of violation of
3 any provision of this citation

4
5
6 4/8/13
7 Date

Sean Sterchi
8 Sean Sterchi, P.E.
9 District Engineer
10 California Department of Public Health
Drinking Water Program

11
12 cc: Al Herrera
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14 Caltrans Midway Maintenance Station
15 1605 W. Adams Ave.
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17
18 Sgt. Sean Angulo
19 CHP Calexico Port of Entry
20 1700 E. Carr Road
21 Calexico, CA 92231

22
23 Jeff Lamoure, Deputy Director for Environmental Health Services, County of
24 Imperial
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